



NICHOLAS SCHOOL OF THE ENVIRONMENT AND EARTH SCIENCES
DUKE UNIVERSITY

OFFICE OF THE DEAN

5 April 2004

The Honorable John Dingell
D-Michigan
House Energy and Commerce Committee
U.S. House of Representatives
FAX 202-226-0371

Dear Representative Dingell:

I am writing to urge you to oppose any provisions in the Defense Authorization Bill for Fiscal Year 2005 that would exempt the Department of Defense (DOD) from landmark public health and environmental laws, including the Clean Air Act, the Resource Conservation and Recovery Act (RCRA), and Superfund (CERCLA). Currently, I am President of the Ecological Society of America—the premier scientific society representing 8000 professionals who study the causes and consequences of environmental degradation worldwide. I also write as a member of the National Academy of Sciences, and Dean of the Nicholas School of the Environment and Earth Sciences at Duke.

While I fully support military training and readiness, I am concerned that DOD's proposed exemptions would cause greater burden on public health and the environment, specifically to those servicemen and women and their families who reside on military installations and the communities surrounding and supporting them.

The ability of states and EPA to protect public health and the environment at military bases and in the communities that surround them would be dramatically limited if DOD's proposed exemptions are enacted. The language proposed by the Defense Department would:

- Shift the burden for maintaining clean air to other agencies, private industry, small businesses, and the public. DOD seeks to become exempt from compliance with the Clean Air Act's public health air quality standards for a broad range of activities. DOD's proposal actually redefines "dirty air" as "clean air", by allowing the EPA to approve areas that do not meet the CAA standards as having attained them, if the reason for the nonattainment is military air pollution.
- Strip the EPA and states of virtually any authority to protect public health and the environment from toxic contamination caused by military munitions under the Resource Conservation and Recovery Act (RCRA). All military munitions – including chemical and depleted uranium weapons – and the contamination they cause would apparently be exempted from RCRA. DOD's language would block the use of RCRA to require investigation and cleanup of toxic munitions contamination both on and off military ranges, even in the face of an imminent and substantial endangerment to human health.

- Exempt toxic contamination of groundwater, air, and soil at "operational" military ranges (a vague term which includes dozens of ranges that have been inactive for years or decades) from oversight and regulation under CERCLA (Superfund), until the contamination seeps into surrounding communities. States and EPA would be blocked from virtually any oversight of munitions contamination at hundreds of contaminated DOD sites not listed on the National Priority List. Experience has proven that it is always less costly to prevent groundwater contamination than to remediate it later.

These proposed exemptions will only undermine the strength of our democracy and the health of our communities. Furthermore, these exemptions are not necessary to maintain military readiness: current laws already contain provisions to exempt military activities in the interest of national security, and regulatory agencies already provide great latitude to the DOD to protect military training. I urge you to oppose these changes and continue to seek ways in which military readiness can coincide with adequate protection of public health and the environment.

Sincerely,

A handwritten signature in dark ink, appearing to read "William H. Schlesinger", with a long, sweeping horizontal line extending to the right.

William H. Schlesinger
James B. Duke Professor
And Dean